

ASSIGNED

Serial No. 48897

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAR -- 7 1985 NEW PRIORITY DATE: OCT 5 2005
- NOV 12 1997 -

Returned to applicant for correction.....

Corrected application filed..... Map filed MAR 11 1985 under 41534

The applicant El Capitan Club

P.O. Box 1187 of Hawthorne
Street and No. or P.O. Box No. City or Town

Nevada 89415 hereby make.... application for permission to change the
State and Zip Code No.

Place of Use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 41534
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.)

1. The source of water is underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 2.1 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Geothermal
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Geothermal
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the NW 1/4 SW 1/4 of Section 33,
Describe as being within a 40-acre subdivision of public survey and by course and
T.8N., R.30E., M.D.B.&M., or at a point from which the W 1/2 corner
distance to a section corner. If on unsurveyed land, it should be stated.

of said Section 33 bears N31°11'51"W, a distance of 1,452.53 feet.

6. The existing permitted point of diversion is located within
If point of diversion is not changed, do not answer.

7. Proposed place of use Sections 27, 28, 33 & 34, all in T.8N., R.30E., M.D.B.&M.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Sections 27, 33 and the W 1/2 of Section 34, all in T.8N.,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
R.30E., M.D.B.&M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Drilled well, pump, motor.
State manner in which water is to be diverted, i.e. diversion structure, ditches,
distribution system and heat exchangers.
pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$10,000,000.00

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The exact number of units to be served is unknown at this time although it could exceed 500.

By s/Wyatt J. Owens

P.O. Box 44

Smith, Nevada 89430

Compared mc/jf js/bc

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the geothermal fluids of an underground source as heretofore granted under Permit 41534 is issued with the understanding that no other rights on the source will be affected by the change proposed herein.

It is understood that the amount of geothermal fluid herein granted is only a temporary allowance and that the final right obtained under this permit will be dependent upon the amount actually placed to beneficial use. It is also understood that this right must allow for a reasonable decrease of fluid pressure and heat. The well shall be equipped and maintained to prevent any waste of the geothermal fluid. Accurate measurements must be kept of discharge of the production and the amount of fluid injected into the injection well to determine the total amount of fluid consumed for a beneficial use.

The production and injection well are to be cemented from the producing levels to the surface to protect fresh water zones. This permit is issued subject to the condition that only geothermal fluids are to be diverted and used beneficially for heating purposes and fresh, cold water aquifers are not to be diverted. The used geothermal fluids are to be returned to the source via the injection well. The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies. A detailed log on the injection well and/or other analyses of the system used for returning the used geothermal to the source must be submitted together with the Proof of Completion.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.1 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before August 30, 1988

Proof of completion of work shall be filed before September 30, 1988

Application of water to beneficial use shall be made on or before August 30, 1993

Proof of the application of water to beneficial use shall be filed on or before September 30, 1993

Map in support of proof of beneficial use shall be filed on or before

Completion of work filed OCT 12 1988

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 30th day of August

A.D. 19 88

[Signature]
State Engineer

2407 (Rev. 6-81)
CANCELLED MAR 06 1998 BECAUSE OF FAILURE
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

CANCELLED SEP 14 2005 BECAUSE OF FAILURE
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

[Signature], P.E.
STATE ENGINEER
Can. Rescinded 10/17/05

Can rescinded 4-29-98

(PERMIT TERMS CONTINUED)

An annual report for this well must be filed under this permit describing the amount of geothermal fluid consumed to a beneficial use for the calendar year. This report must also detail the amount of fluid produced and injected.

The total withdrawal of the geothermal fluid shall be limited to 1520 acre-feet per year but the total consumptive use of the geothermal fluid is limited to only incidental fluid losses in the system and in no case shall it amount to more than 10% of the volume withdrawn annually. The State Engineer does not waive the right to make a determination of incidental fluid losses at any time and impose additional conditions thereto.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

